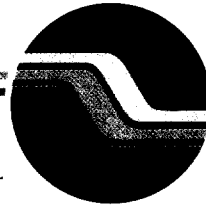


246137

Aviation



**Charter
Services**

May 28, 2003

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Docket Management System
U S Department of Transportation
Room Plaza 401
400 Seventh Street, SW
Washington, DC 20590-0001

RE: Docket #: FAA-2002-13923 - 53

Gentlemen:

In accordance with the Notice of Regulatory Review; Proposed Rule recorded in the Federal Register on February 3, 2003, I have enclose two copies each of nine comments (Issue Papers) made to this docket.

Respectfully,

AVIATION CHARTER SERVICES

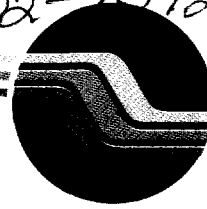
Michael J. Pittard
President

MJP:gg
Enclosures

245137

FAA-2002-13923-53

Aviation



**Charter
Services**

Docket #: FAA-2002-13923

ISSUE PAPER

**REGULATORY REVIEW – PART 125 AND 135
FEDERAL AVIATION REGULATION PART 135.145
AIRCRAFT PROVING TESTS**

REGULATION:

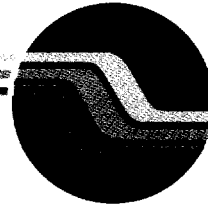
135.145(a): No certificate holder may operate a turbojet airplane, or an aircraft for which two pilots are required by this chapter for operations under VFR, if it has not previously proved that aircraft or an aircraft of the same make and similar design in any operation under this part unless,

COMMENT:

Operators who have proven their abilities on one turbojet airplane should not have to continually prove their abilities on additional turbo jets, even if they are of a different manufacture. Flying turbojets at high altitude, at night, during the day, in warm weather, or cold weather, and landing it at high altitude airports is relatively the same for all manufactures. There may be situations where an evaluation flight may be warranted, but aircraft specific training normally is all that is needed to assure safety of flight. Proving runs are expensive to the operators, and demanding of manpower from the FAA. This would relieve both the operator and FAA from unnecessary costs and labor.

RECOMMENDED RESOLUTION:

Review the FOARC recommendations to this regulation and revise this regulation to eliminate the need for continual proving tests for turbojet aircraft.



Docket #: FAA-2002-13923

**ISSUE PAPER
REGULATORY REVIEW – PART 125 AND 135
FEDERAL AVIATION REGULATION PART 135.151
COCKPIT VOICE RECORDERS**

REGULATION:

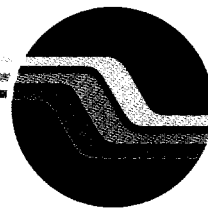
135.151(a): No person may operate a multiengine, turbine-powered airplane having a passenger seating configuration or six or more and for which two pilots are required by certification or operating rules unless it is equipped with an approved cockpit voice recorder that:.....

COMMENT:

There is a need to clean up this regulation to reflect the need of single pilot authorized turbo-prop aircraft which encounter an autopilot failure during or before a scheduled flight. If the autopilot does not work, by operating rule two pilots are required. And, in accordance with this rule, a CVR would be required. Since this was not the intent of this regulation, this discrepancy needs to be cleaned up.

RECOMMENDED RESOLUTION:

Allow the exemption of the CVR to track with the autopilot MEL time.



Docket #: FAA-2002-13923

ISSUE PAPER
REGULATORY REVIEW – PART 125 AND 135
FEDERAL AVIATION REGULATION PART 135.213
PILOT QUALIFICATIONS: RECENT EXPERIENCE

REGULATION:

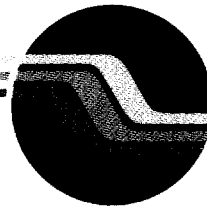
135.213(b): For the purposes of paragraph (a) of this section, weather observations made and furnished to pilots to conduct IFR operations at an airport must be taken at the airport where those IFR operations are conducted,.....

COMMENT:

The requirement for a certified weather observer or other National Weather Service approved reporting equipment to be available at the destination airport during IMC, desperately needs updating. This requirement is very restrictive for on-demand operators and needs updating to allow for current training and aircraft avionics technology to affect the revision of this regulation. In addition, there are numerous ASOS's, and AWOS's, that are in operation but are not yet certified by the NWS. Can we use a local certification or State certification, in lieu of the NWS, to meet the requirements of this regulation?

RECOMMENDED RESOLUTION:

Review the FOARC recommendation in regards to this regulation, and FAA interpretations such as, area forecasts, etc., for it's updating. In addition, consider some other form of certification for local weather reporting equipment (ASOS/AWOS).



Packet #: FAA-2002-13923

ISSUE PAPER
REGULATORY REVIEW – PART 125 AND 135
FEDERAL AVIATION REGULATION PART 135.247
PILOT QUALIFICATIONS: RECENT EXPERIENCE

REGULATION:

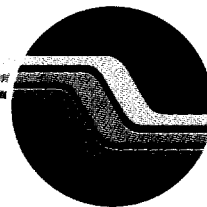
135.247(a)(2): For operation during the period beginning 1 hour after sunset and ending 1 hour before sunrise, made three takeoffs and three landings during that period as the sole manipulator of the flight controls in an aircraft of the same category and class and, if a type rating is required, of the same type in which that person is to serve.

COMMENT:

This is another regulation that increases the cost to operators but does not increase the safety value.

RECOMMENDED RESOLUTION:

Review the FOARC recommendation, and change this regulation to read “category and class” only.



Docket #: FAA-2002-13923

ISSUE PAPER
REGULATORY REVIEW – PART 125 AND 135
FEDERAL AVIATION REGULATION PART 135.251 & 135.255
TESTING FOR PROHIBITED DRUGS & ALCOHOL

REGULATION:

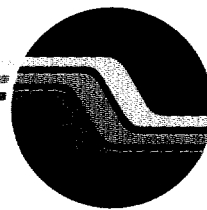
135.251(b) & 135.255(b): No certificate holder or operator may use any contractor to perform a function listed in Appendix I (J for alcohol) to part 121 of this chapter unless that contractor tests each employee performing such a function for the certificate holder or operator in accordance with that appendix. (135.255(b) is similar but speaks to alcohol misuse).

COMMENT:

Part 135 operators need relief from these rules similar to what was recommended by the FOARC committee when drafting the soon to be released Part 91K. Operators need relief when emergency repairs are required because the aircraft cannot be moved safely.

RECOMMENDED RESOLUTION:

Assuming qualified technicians are available, but ones who are not drug and alcohol tested, this regulation should be rewritten allowing relief to the operators as described above. There may be other valid situations to consider other than emergency situations, that the committee may want to address for allowing relief in these regulations to Part 135 operators.



Docket #: FAA-2002-13923

ISSUE PAPER
REGULATORY REVIEW – PART 125 AND 135
FEDERAL AVIATION REGULATION PART 135.297
PIC: INSTRUMENT PROFICIENCY CHECK

REGULATION:

135.297(a): No certificate holder may use a pilot, nor may any person serve, as a pilot in command of an aircraft under IFR unless, since the beginning of the 6th calendar month before that service, that pilot has passed an instrument proficiency check under this section administered by the Administrator or an authorized check pilot. (See regulation for paragraph “b” thru “g”).

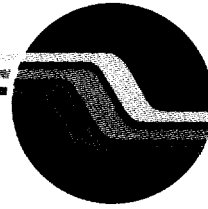
COMMENT:

With the advent of level C and D simulators, and other quality training (CRM, etc.), in addition to the technology now found in our cockpits, I believe that the instrument proficiency check should only be required annually. The Part 121 operators have for years held an exemption to their regulation that allows them to conduct “single visit training”, and yet their safety record has increased over the years.

I believe it is time for the Part 135 community to clean up some of their unneeded training, and thereby reduce costs without affecting safety.

RECOMMENDATIONS:

Simplify SFAR No. 58, Advanced Qualification Program, and incorporate it in the appropriate Part 135 regulation. The AQP will then aid in allowing those that do qualify under the AQP to use single visit training. PIC qualification should be limited to two aircraft types, and the single visit training would then need to rotate annually for those who do carry dual authority.



Docket #: FAA-2002-13923

**ISSUE PAPER
REGULATORY REVIEW – PART 125 AND 135
FEDERAL AVIATION REGULATION PART 135.299
PIC: LINE CHECKS**

REGULATION:

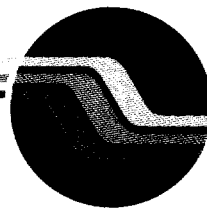
135.299(a): You cannot use a pilot as PIC unless he/she has received a routes and airports check within the past 12 months.

COMMENT:

Allow the simulator schools to conduct these line checks. Simulators are a great source of training for cost savings and for safety. Allowing the simulator schools to conduct the 299 will be safer and less costly than now requiring it to be completed in-house.

RECOMMENDATION:

Give the Part 142 approved simulator schools the authority to administer Part 135.299.



Pocket #: FAA-2002-13923

ISSUE PAPER
REGULATORY REVIEW – PART 125 AND 135
FEDERAL AVIATION REGULATION PART 135.385
LARGE TRANSPORT CAT.: TURBINE ENG. – LANDING LIMITS

REGULATION:

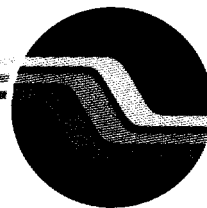
135.385(b): This regulation speaks to the “60% rule” for landing large transport category turbine powered aircraft.

COMMENT:

This regulation was written when aircraft were being manufactured with less than creditable performance information, and the brake manufactures performance information was limited. Therefore, to be ultra conservative, the FAA instituted the 60% rule, since they did not have reliable information on the landing distance performance of aircraft being manufactured at that time. Today technology has changed, and we now have ABS braking systems, reliable AFM's, and better-trained pilots. All this allows for the updating of this regulation without reducing safety.

RECOMMENDED RESOLUTION:

The FOARC recommended that the 60% rule be changed to 85% after research by its members showed that most of today's aircraft (Learjet 60 being the only exception) could land under an 85% rule and still stay within the FAA safe landing margins for most General Aviation jet airports. I concur with the FOARC recommendation and recommend this regulation be revised accordingly.



Doc # FAA-2002-13923

**ISSUE PAPER
REGULATORY REVIEW – PART 125 AND 135
FEDERAL AVIATION REGULATION PART 135.419
APPROVED AIRCRAFT INSPECTION PROGRAM**

REGULATION:

135.419(a): Whenever the Administrator finds that the aircraft inspections required or allowed under part 91 of this chapter are not adequate to meet this part, or upon application by a certificate holder, the Administrator may amend the certificate holder's operations specifications under 135.17, to require or allow an approved aircraft inspection program for any make and model aircraft of which the certificate holder has the exclusive use of at least one aircraft.

COMMENT:

This regulation for years has given the FAA's, PMI's and PAI's broad powers, with little standardization between regions. As an example, avionics inspections have little guidance from the manufacture on inspection criteria. Therefore, a PAI in one region may require something different from another region. As an example, we perform 12-month avionics inspections that use to cost us a few hundred dollars. Now our PAI required inspection program cost has risen per aircraft to an average of \$1,200. Another operator in another region is performing their 12-month avionics inspection as we use to, for 1/10th of my cost to perform the same inspection.

RECOMMENDATION:

1. Consider recommending to the FAA that they require the manufactures, particularly the avionics manufactures, to produce a standardize inspection program for their product rather than depend on the operator to develop it.
2. Develop standardize inspections programs where none exist now, particularly in the avionics area.
3. Lessen the broad stroke powers of the FAA within this regulation. This can be accomplished by either the FAA or the manufactures developing standardized programs for use in all regions.